

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	Criminal No.1:01-CR-00324
	:	
v.	:	(Judge Rambo)
	:	
IZAK PARKER	:	(Electronically Filed)
	:	

**EMERGENCY MOTION FOR RELIEF**  
**UNDER 18 U.S.C. § 3582 (c) (2)**

AND NOW, comes the defendant, Izak Parker, by his attorney Lori J. Ulrich of the Federal Public Defender's Office, and files this Emergency Motion for Relief Under 18 U.S.C. § 3582(c) (2) and in support thereof avers as follows:

1. On January 29, 2002, Izak Parker, the defendant, appeared before this Honorable Court and entered a plea of guilty to possession of a firearm by a convicted felon in violation of 18 U.S.C. § 922(g)(1).
2. While Mr. Parker pleaded guilty to possession of a firearm as a convicted felon, his guidelines were calculated pursuant to U.S.S.G. § 2D1.1, using drug weights to calculate the base offense level. The base offense level was 28, representing 412.62 kilograms of marijuana (20.63 grams of crack cocaine and

18.4 grams of marijuana). Three levels were deducted for acceptance of responsibility. Therefore, the total base offense level was found to be 25. With an offense level of 25 and a criminal history category of V, Mr. Parker's guidelines came out to 100 - 120 months.

3. On June 19, 2002, Mr. Parker was sentenced to 78 months which was not a departure from the guidelines; rather, the Court granted an adjustment for the 22 months that Mr. Parker had already served in connection with the offenses that would not be credited by the Bureau of Prisons.

4. Mr. Parker's release date is March 7, 2008.

5. On November 1, 2007, the guidelines were amended reducing the crack cocaine guidelines by two levels. The amendment will be retroactive as of March 3, 2008. (Amendment 706)

6. Pursuant to 18 U.S.C. § 3582 (c) (2), "in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission . . . upon motion of the defendant . . . the court may reduce the term of imprisonment, after considering the

factors set forth in section 3553(a) to the extent that they are applicable . . . .”

7. Mr. Parker is impacted by the amendment and his new guidelines are calculated as follows: the new base offense level is 26 representing 100 kg. - 400 kg. of marijuana (20.63 grams converts to 103.15 kilograms of marijuana and that is added to the 18.4 grams of marijuana to get 103.17 kilograms of marijuana). With a three level reduction, the new total offense level is 23. With a 23 and a criminal history category of V, the new guideline range is 84-105 months.

8. Because Mr. Parker received a 22 month credit from the low end of the guideline range, his new sentence could be 62 months.

9. With a new sentence of 62 months and a release date of March 7, 2008, Mr. Parker should be released immediately on March 3, 2008.

10. Mr. Parker respectfully requests that this Court impose a sentence of time served.

WHEREFORE, Mr. Parker respectfully requests that this Court grant his  
Emergency Motion for Relief Pursuant to 18 U.S.C. § 3582(c).

Respectfully submitted,

Date: February 25, 2008

s/ Lori J. Ulrich

LORI J. ULRICH, ESQUIRE

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*Attorney for Izak Parker*

**CERTIFICATE OF SERVICE**

I, Lori J. Ulrich of the Federal Public Defender's Office, do hereby certify that I served a copy of the foregoing **EMERGENCY MOTION FOR RELIEF UNDER 18 U.S.C. § 3582 (c) (2)**, via Electronic Case Filing, or by placing a copy in the United States mail, first class in Harrisburg, Pennsylvania, addressed to the following:

ERIC PFISTERER, ESQUIRE

[REDACTED]  
[REDACTED]  
[REDACTED]

DREW THOMPSON

[REDACTED]  
[REDACTED]  
[REDACTED]

IZAK PARKER

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Date: February 25, 2008

/s/ Lori J. Ulrich

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